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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,920	01/20/2004	Vincent Piel	500110459-2	4097

7590 04/16/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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ARANI, TAGHI T

ART UNIT	PAPER NUMBER
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2139

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/761,920	PIEL, VINCENT
	Examiner Taghi T. Arani	Art Unit 2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 01 June 2004.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 1/20/2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/20/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. Claims 1-17 have been examined and are pending.

### *Claim Rejections - 35 USC § 112*

2. Claims rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation " the network enquiry " in line 1. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,484,262 to Herzi.

**As per claims 1, 10, 11, 12 and 17,** Herzi teaches a component, a BIOS and a firmware element for a computer, the component, BIOS comprising a firmware element operable to perform a security check to verify the computer is connected to an authorised network, the security check comprising the steps of (Abstract, Figs 1-3 and associated texts):

generating a random number, encrypting the random number with a public key of a public/private key pair associated with the network, transmitting the encrypted random number to a network device via the network (col. 4, lines 58-64, col. 5, lines 15-25), receiving a response comprising a number from the network device ( col. 4, line 65 through col. 5, line 7), and permitting operation of at least a subsystem of the computer if the response is in accordance with the random number, the step of permitting operation of at least a subsystem of the computer if the response is in accordance with the random number comprises comparing the random number transmitted to the network device with the number in the response and permitting operation if the number in the response matches the random number transmitted to the network device (col. 5, lines 8-15).

**As per claims 2 and 13,** Herzi teaches a component and a computer according to claims 1 and 12 respectively, wherein the firmware element comprises a BIOS (col. 3, lines 18-34)

**As per claims 3 and 14,** Herzi teaches a component and a computer according to claims 2 and 13 respectively, wherein the firmware element is operable to perform a security check as part of a boot process (col. 2, lines 56-64, col. 3, lines 64-67).

**As per claims 4 and 15,** Herzi teaches a component and a computer according to claims 2 and 13 respectively, wherein the firmware element is operable to prevent operation of the computer if a valid response is not received (col. 5, lines 37-46).

**As per claims 5 and 16,** Herzi teaches a component and a computer according to claims 2 and 13 respectively wherein the BIOS comprises a boot block and wherein the firmware element is stored in the boot block (col. 2, lines 56-64).

**As per claim 6**, Herzi teaches a component according to claim 1 wherein the firmware element comprises a controller for a peripheral (col. 3, lines 53-63, i.e. without authorization, the BIOS of the computer system halts all practical operation of the computer system).

**As per claim 7**, Herzi teaches a component according to claim 6 wherein the firmware element is operable to perform a security check in response to a transition to an operating state (col. 2, lines 58-61, i.e. security measure is implemented by the processor prior to booting up of the operating system).

**As per claim 8**, Herzi teaches a component according to claim 6 wherein the firmware element is operable to prevent operation of the peripheral if a valid response is not received (col. 3, lines 53-63, i.e. without authorization, the BIOS of the computer system halts all practical operation of the computer system).

**As per claim 9**, Herzi teaches a component according to claim 6 wherein the network enquiry is transmitted to BIOS of the computer for transmission to the network device (col. 3, lines 19-21, where the security measure of the BIOS enables the processor 20 to communicate an authentication request to the prescribed network server 14).

### **Conclusion**

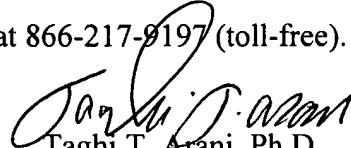
**4. Prior arts made of record, not relied upon:**

See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Taghi T. Arani, Ph.D.  
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Art Unit 2131  
4/4/2007